

INTERNATIONAL PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 11 JAN 2005

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Applicant's or agent's file reference 02968PC/IDJ	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/001146	International Filing Date (day/month/year) 5 September 2003	Priority Date (day/month/year) 6 September 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ C07H 17/02, 17/08, A61K 31/7056, 31/7076, 31/4184, A61P 9/00, 29/00		
Applicant ALCHEMIA LIMITED et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 26 February 2004	Date of completion of the report 21 December 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer G. D. HEARDER Telephone No. (02) 6283 2553

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I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 12, 13, 15-28, 42-66	YES
	Claims 1-11, 14, 29-41	NO
Inventive step (IS)	Claims 12, 13, 15-28, 42-66	YES
	Claims 1-11, 14, 29-41	NO
Industrial applicability (IA)	Claims 1-66	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1 WO 1996/040705

D2 WO 2001/032653

Novelty

Claims 1-11, 14, 29-41

D2 discloses generically compounds that are encompassed by these claims. The key part is in the definition of R6 where C5-7 monosaccharide is disclosed. Whilst there are no examples of these compounds it is not manifestly apparent that there is no enabling disclosure for these types of compounds. Hence what little disclosure there appears to be, seems to be enabling. Thus D2 is considered to render these claims not novel.

D1 does not disclose the features of the claims.

The features of the remaining claims are not found in any single document published before the earliest priority date of the claims.

Inventive Step

Claims 1-11, 14, 29-41

In addition to the above, with the information disclosed in D2 (whilst there are no examples of the compounds in question), it is considered that a person skilled in the art would be led as a matter of course to try the invention as claimed in the expectation that it might well solve the problem of inhibiting or effecting protein kinase activity. Thus these claims are not inventive.

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- a) The claims are not fully supported by the description because there are no indications or enabling disclosure for R15 being "substituted imine". Similarly also for R1-R14 being substituted with "substituted imine"

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